

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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VIVIANE JONES-FORADAS,

Plaintiff,

-against-

STARBUCKS COFFEE COMPANY,

Defendant.
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NOTICE OF REMOVAL

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SIRS:

PLEASE TAKE NOTICE that defendant Starbucks Corporation d/b/a Starbucks Coffee Company (sued herein as STARBUCKS COFFEE COMPANY and hereinafter “Starbucks”), pursuant to 28 U.S.C. §1441 and based upon this Court’s diversity jurisdiction under 28 U.S.C. §1332, removes this action from the Supreme Court of the State of New York, County of Westchester, to the United States District Court for the Southern District of New York. The grounds for such removal are as follows:

1. Plaintiff, Viviane Jones-Foradas, commenced an action on or about October 15, 2021 by filing a Summons and Complaint in the Supreme Court of the State of New York, County of Westchester. The Summons and Complaint subsequently was served on the New York Department of State on October 25, 2021. A true and accurate copy of the Summons and Complaint is annexed hereto as Exhibit "A". On November 10, 2021, defendant Starbucks filed and served its Answer to Complaint. A true and accurate copy of the Answer is annexed hereto as Exhibit “B”. On November 10, 2021, defendant Starbucks also served, pursuant to CPLR §

3017(c), a Request for Supplemental Demand for Relief. A true and accurate copy of the Request for Supplemental Demand for Relief is annexed hereto as Exhibit “C”.

2. Upon information and belief, Exhibits “A”, “B” and “C” are the only pleadings in the action filed in Westchester County Supreme Court.

6. Plaintiff in her Response to Combined Demands served on December 10, 2021, received in our office on December 14, 2021 included her Response to Request for Supplemental Demand for Relief. In her response, plaintiff set forth for the first time that she was seeking monetary damages in the amount of \$1,000,000 for the personal injuries alleged in the Complaint. A true and accurate copy of the relevant portions of the Plaintiff’s Response to Combined Demands is annexed hereto as Exhibit “D”.

7. Based upon the Summons and Complaint, Plaintiff is a resident of the State of New York See Complaint, para. 1, Exhibit “A” hereto.

8. Defendant Starbucks is a foreign corporation organized and existing under the laws of the State of Washington and has its principal place of business in Seattle, Washington.

9. The amount in controversy, as evidenced by Plaintiff’s Response to Defendant’s CPLR 3017(c) Demand, dated December 10, 2021, exceeds \$75,000, exclusive of interest and costs. See Exhibit “D” hereto.

10. This removal is timely pursuant to 28 U.S.C. §§ 1441(a) and 1446(b)(1).

11. Jurisdiction exists in this Court by reason of diversity of citizenship, 28 U.S.C. § 1332.

12. Venue in this Court is proper pursuant to 28 U.S.C. §1391 (b)(2).

Dated: New York, New York
December 23, 2021

Respectfully yours,

WILSON ELSER MOSKOWITZ
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